

**MINUTES OF A MEETING OF THE  
POLICY AND RESOURCES COMMITTEE  
HELD ON 16<sup>th</sup> SEPTEMBER, 2021  
AT NELSON TOWN HALL**

*Councillor N. Ahmed (Chairman – in the Chair)*

**Councillors**

*F. Ahmad (Substitute)  
Z. Ali  
D. Cockburn-Price  
S. Cockburn-Price*

*M. Goulthorp  
M. Hanif  
K. Howarth  
D. Whipp*

*(Apologies for absence were received from Councillor M. Iqbal.)*

**Also in attendance:**

Councillor M. Aslam  
Councillor M. Sakib  
Councillor T. Whipp

**Officers in attendance:**

<i>Philip Mousdale</i>	<i>Interim Chief Executive</i>
<i>Graham Cadle</i>	<i>Interim Chief Finance Officer</i>
<i>Julie Whittaker</i>	<i>Housing, Health and Engineering Services Manager</i>
<i>Neil Watson</i>	<i>Planning, Economic Development and Regulatory Services Manager</i>
<i>Joanne Eccles</i>	<i>Committee Administrator</i>



**56. FORMER COUNCILLOR MORRIS HORSFIELD**

Members observed a minutes silence as a mark of respect following the recent death of former Councillor Morris Horsfield, who had been a much respected and hard-working Councillor.

**57. DECLARATION OF INTERESTS**

Members were reminded of the requirements of the Member Code of Conduct concerning the declaration of interests.

Councillor M. Sakib declared a disclosable pecuniary interest in minute 60(a), planning application 21/0484/HHO, as he was the owner of the property.

**58. PUBLIC QUESTION TIME**

A question was raised about telecommunication poles being recently erected in Nelson to improve broadband connectivity. They were being installed on pavements, in front of people's houses and giving very little or no time at all for residents to object. There was concern that the companies involved might not be following the correct protocol or giving sufficient notice.

The Planning, Economic Development and Regulatory Services Manager said that he would look into the matter and provide Councillors with urgent advice on the national guidelines telecommunication companies had to follow when installing apparatus.

**59. MINUTES**

**RESOLVED**

That the minutes of the meeting held on 19<sup>th</sup> August, 2021 be agreed as a correct record and signed by the Chairman.

**60. PLANNING APPLICATIONS**

**(a) Referred from Area Committees**

**21/0237/FUL Full: Change of use of land of existing car park and siting of a container to be used as a hot food take-away (Use Class Sui Generis) on land adjacent to Queens Mill, Bankhouse Road, Nelson for Mr Abdul**

At a meeting of the Nelson, Brierfield and Reedley Committee on 6<sup>th</sup> September, 2021 the decision to approve this application was referred as a recommendation to this Committee as the decision was contrary to policy and would represent a significant departure from policy.

**RESOLVED**

That planning permission be **granted** subject to appropriate conditions and opening hours.

**21/0484/HHO Full: Erection of a single storey rear extension and 2.7m high close boarded fence to the north east boundary at 106 Regent Street, Nelson for Miss Emma Croft**

*(Councillor M. Sakib declared a disclosable pecuniary interest in this item.)*

At a meeting of the Nelson, Brierfield and Reedley Committee on 6<sup>th</sup> September, 2021 the decision to approve this application was referred as a recommendation to this Committee as the decision was contrary to policy and would represent a significant departure from policy.

**RESOLVED**

That planning permission be **refused** for the following reason –

1. By virtue of height, proximity to habitable room windows and projection from the rear elevations the proposed development would result in unacceptable impacts upon the adjoining dwellinghouses (Nos.104 &108 Regent Street) resulting in a loss of light and an overbearing impact, contrary to Policy ENV2 of the Local Plan Part 1: Core Strategy and the guidance of the Design Principles Supplementary Planning Document

**21/0399/PIP Permission in Principle: Erection of up to 9 dwellings on land off Cob Lane and Old Stone Trough Lane, Kelbrook for YLBD**

At a meeting of the West Craven Committee on 7<sup>th</sup> September, 2021 the decision to refuse this application was referred as a recommendation to this Committee as the decision would have a significant risk of costs in the event of an appeal.

It was proposed that the application not be determined. The Committee was advised that there was no legal basis for this and to do so could lead to significant costs being awarded against the Council in the event of an appeal.

**RESOLVED**

- (1) That the application not be determined.
- (2) That the Leader of the Council write to the new Secretary of State for the Ministry of Housing, Communities and Local Government setting out the difficulties the Council was experiencing with regard to Permission in Principle applications.

**(b) For consideration**

**21/0626/VAR Full: Variation of Condition: Vary condition 2 (plans) of planning permission 19/0801/FUL to substitute site layout, reposition housing plots and change materials on land off Harrison Drive, Colne for Barnfield Construction Limited**

*(Councillors D. Whipp, N. Ahmed and S. Cockburn-Price declared a personal non-pecuniary interest in this item as directors of PEARL.)*

**RESOLVED**

That the planning application be **granted** subject to the following conditions –

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 001/O, 003/G, 111/C, 122/B, 1213/B, 211/B, 212/C, 213/B, 221/B, 231/B, 232/B, 233/B, 234/B, 311/B

**Reason:** For the avoidance of doubt and in the interests of proper planning.

2. Prior to the commencement of any above ground works a scheme for the phasing of the development including provision of roads, sewers and other infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in strict accordance with the approved scheme.

**Reason:** To secure the proper development of the site in an orderly manner.

3. A scheme for the management (including maintenance) of the open space area shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any dwelling. The approved scheme shall thereafter be complied with at all times unless an alternative is agreed in writing by the Local Planning Authority and thereafter the alternative scheme shall at all times be complied with.

**Reason:** To ensure the site is properly maintained and managed in the interests of visual amenity.

4. The first works on site shall be the formation of the access into the site for a distance of 30m from the running edge of public highway. The access shall be completed to base course level.

**Reason:** In order to ensure the site is serviced by a safe access in the interests of public highway safety.

5. The access shall be so constructed that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the adjoining edge of carriageway, to points 1.05 metres above ground level at the edge of the adjoining carriageway and 45 metres distant in each direction measured from the centre of the access along the nearside adjoining edge of carriageway prior to the commencement of any other works on site and thereafter be permanently retained.

**Reason:** In order to ensure satisfactory visibility splays are provided in the interests of highway safety.

6. No dwelling shall be occupied unless and until it is connected to a surface and foul water disposal scheme. Details of the scheme shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. The scheme shall provide for separate systems for the disposal of foul and surface effluent. The surface water shall discharge from the site at a maximum rate of 24.15l/s. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

**Reason:** To ensure that the proposed development can be adequately drained and to ensure that there is no flood risk on or off the site resulting from the proposed development.

7. No development shall commence unless and until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall include details of the location of site compounds, the method of ensuring that the local highway network is kept free of mud arising from the development, the suppression of dust and the measures to ensure residents are not disturbed by delivery vehicles waiting to enter the site. The development shall at all times thereafter be carried out in strict accordance with the approved method statement.

**Reason:** To ensure that adequate measures are in place to protect the environment during the construction phase(s).

8. No construction work shall be carried out on the site outside the hours of 8:00 and 17:00 on weekdays and 8:00 - 12:00 on Saturdays.

**Reason:** In the interests of residential amenity and to safeguard local residents from noise and disturbance.

9. The floor levels of the dwellings shall be as set out on approved plan 20265-ODA-XX-XX-XX-AL-90-003 or alternatives to be agreed in writing by the Local Planning Authority.

**Reason:** The levels proposed are acceptable in order to safeguard the amenity of adjoining residential properties.

10. The new estate road shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level to each plot before any development commences on that plot. The final wearing course shall be completed to each plot within 2 years of the substantial completion of each plot or within one week of the substantial completion of the final house on site whichever shall occur first unless another timescale is agreed in writing by the Local Planning Authority. If an alternative timescale is agreed the completion of the highway shall be undertaken in strict accordance with the agreed timescale.

**Reason:** To ensure that satisfactory access is provided to the site before construction of the development hereby permitted commences.

11. Prior to the occupation of any dwelling a plan detailing the provision of car parking spaces and the allocation of those to individual houses shall be submitted to and approved in writing by the Local Planning Authority. The car parking shall thereafter be provided and completed in accordance with the approved plan and the spaces shall be retained for the parking of cars associated with each dwelling.

**Reason:** In order to ensure that each dwelling is provided with adequate off road parking in the interests of public highway safety.

12. Prior to the occupation of each dwelling it shall have an electric vehicle charging point provided to service it.

**Reason:** To ensure that the development provides for sustainable modes of travel.

13. Prior to the commencement of work on any above ground development on any plot precise details of the materials to be used on all external surfaces on the development shall be submitted to and have been approved in writing by the Local Planning Authority. The development shall thereafter at all times be undertaken using the approved materials.

**Reason:** To ensure a satisfactory form of development in the interest of visual amenity of the area.

14. Windows and doors shall be set back from the external face of the walls of the units by at least 75mm in depth.

**Reason:** To ensure a satisfactory form of development.

15. Prior to the first occupation of any dwelling details of the landscaping for the site shall have been submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall be implemented in its entirety within the first planting season following the substantial completion of the development. Any tree or other planting that is lost, felled, removed, uprooted, dead, dying or diseased, or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

**Reason:** To ensure that the development is adequately landscaped so as to integrate with its surroundings.

16. Before a dwelling unit is occupied waste containers shall be provided on each plot.

**Reason:** To ensure adequate provision for the storage and disposal of waste.

17. The footpaths around the site shall be lit in accordance with the approved layout scheme in accordance with a phasing scheme to be submitted to and approved in writing by the Local Planning Authority.

**Reason:** In order to provide a safe environment.

18. Prior to the occupation of the first house hereby approved dropped kerbs shall be installed to serve 64 and 68 Harrison Drive.

**Reason:** In order to facilitate off road parking to compensate for the loss of on street parking caused by the traffic regulation order restrictions on Harrison Drive.

## **REASON**

***Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The application submitted accords with Local Planning Policy and the guidance set out in the Framework, subject to compliance with planning conditions. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.***

## **61. INVESTMENT IN LEISURE FACILITIES**

The Interim Chief Executive submitted a report on proposals for the investment in the Council's leisure facilities. This had been prepared following a strategic review of the delivery of sports and leisure service provision by Max Associates. The review focused on the possible delivery models for the three core leisure facilities – Pendle Leisure Centre, Colne Wavelengths (and Inside Spa) in Nelson and West Craven Sport Centre, Barnoldswick. The conclusions and recommendations arising from the report were reported to this Committee in January, 2020.

A recommendation of the review was that a further strategic review of provision in Nelson and Colne should be undertaken. A detailed proposal was provided in Appendix A of the report. Sport England had indicated they would contribute £10k towards the cost of the review and the Pendle Leisure Trust had agreed to provide the additional £30k towards the total cost of £40k.

Acknowledging that this review would take some time and in view of the general deterioration in the condition of the sites, the Council had commissioned condition surveys for each of the facilities (and other facilities managed by the Leisure Trust) to establish the likely investment required. A summary was provided in the report.

## **RESOLVED**

(1) That it be noted that Pendle Leisure Trust would be financing the undertaking of a further detailed study on the provision of leisure facilities in Pendle, as set out in the report.

- (2) That the outcome of the study, referred to in (1) above, be reported to a subsequent meeting of this Committee once completed.
- (3) That an allocation of £136k (estimated total works of £121,000 plus fees) be agreed from the Pendle Leisure Trust reserve for investment in priority capital repairs to leisure facilities as follows -

<b>Site</b>	<b>Works</b>	<b>Estimated Costs £</b>
Pendle Leisure Centre	Roof replacement - Phase 1 £80k	80,000
Pendle Leisure Centre	Emergency Lighting failure to pool side - replace CBU	4,000
Pendle Leisure Centre	Minor works to car park/entrance pathway	3,500
Wavelengths	Minor works to car park surface and forecourt pavers	2,000
Wavelengths	Rebuild wall/fence and barrier to parapet boundary wall in service car park	19,000
West Craven Leisure Centre	Replace cladding to gym dormer frontage + installation of input/ extract to roof void to alleviate condensation issue	10,000
Marsden Golf Club	Entrance driveway - minor works to road surface	2,500
Fees		c15,000
<b>Total</b>		<b>136,000</b>

And that consideration be given to the remaining works set out at Appendix A of the report, following further discussions by the Budget Working Group and the outcome of the study by the Leisure Trust.

**REASON**

*To invest in the leisure facilities.*

**IN ACCORDANCE WITH THE COUNCIL'S CALL-IN PROCEDURE THE ABOVE ITEM STANDS REFERRED BACK TO THE THREE GROUP LEADERS FOR DISCUSSION AND RECONSIDERATION AT THE NEXT MEETING OF THE POLICY AND RESOURCES COMMITTEE.**

**62. REVIEW OF THE ACE CENTRE, NELSON**

The Committee considered a report which reviewed the ACE Centre in Nelson. The purpose of the review was to identify whether there was a viable future for the building in its current form as an arts and cultural centre without the need for ongoing revenue support. The review examined alternative uses or options available so that it could remain open but at no cost to the Council.

In view of current discussions regarding the Nelson Town Deal and the role of the Ace Centre, it was agreed that the report be noted and further considered at the appropriate time.

**63. EMPTY HOMES STRATEGY 2021-2024**

The Housing, Health and Engineering Services Manager submitted a report on the Empty Homes Strategy 2021-2024.

The action plans were revised every two years and the aim of the Strategy was to develop and implement a range of measures that would directly, or indirectly, help return long-term empty homes back into use.

It was reported that there had been substantial success in reducing empty properties but there were still clusters of empty properties that were causing problems and attracting anti-social behaviour. The Strategy set out the key actions the Council would be undertaking in order to deliver the Strategy.

**RESOLVED**

That the Empty Homes Strategy for 2021-2024 be approved.

**REASON**

*To continue the long-term reduction in empty homes across the Borough.*

**64. TRANSFER OF FACILITIES AND SERVICES TO TOWN AND PARISH COUNCILS**

The Interim Chief Executive submitted a report seeking approval of the next phase of the Council's initiative and to seek authority to undertake negotiations with individual town and parish councils.

On 1<sup>st</sup> September, 2021 the Budget Working Group met representatives from the town and parish councils and gave serious consideration to a number of transfers which were listed in the report. They were advised that other arrangements could be considered as well as outright transfer e.g. a financial contribution in return for a greater say in the operation of the service or the borough or the parish acting as an agent for the other.

**RESOLVED**

(1) That the following list of potential transfers to town and parish councils be confirmed:

- Remaining parks (Sough, Heyhead, Marsden, Victoria, Walverden, Ball Grove (expected to take place shortly))
- Town centre sweeping (Nelson, Colne, Brierfield, Barnoldswick, Earby and Barrowford)
- Local car parks (Barnoldswick, Brierfield, Colne and Earby; not Nelson at this time due to the Town Deal considerations)
- Cemeteries (Colne, Nelson, Barrowford, Earby, Ghyll and Salterforth)
- Market (Colne)
- Municipal Hall (Colne)
- Sports pitches (Nelson, Colne, Barrowford, Brierfield, Barnoldswick and Trawden)
- Miscellaneous pieces of land



- (2) That the Chairman of the Budget Working Group and the Interim Chief Executive be authorised to carry out further negotiations with the town and parish councils on the above transfers.

**REASON**

***To take forward the Council's initiative of transferring facilities and services to town and parish councils.***

**65. TELEPHONY UPGRADE**

The Chief Finance Officer submitted a report which sought approval to proceed with the proposed upgrade to the Council's telephony system.

The proposal was to move away from a traditional telephony system to a cloud system that would improve the Council's flexibility, costs and agility. It was proposed that the current Mitel platform be replaced with a cloud hosted MS Teams Direct Routing solution.

Details of costs were set out in the report and provision had been made in the Council's ICT Reserve/IT Capital Budget to fund this project.

**RESOLVED**

That the proposed telephony upgrade be approved.

**REASONS**

- (1) To replace the existing Mitel system which was currently at its end of life and no longer supported; thus ensuring the Council had a more secure and resilient telephony system.***
- (2) To strengthen the Council's business continuity arrangements.***
- (3) To further enable the transition to more mobile/agile working arrangements where appropriate.***
- (4) To improve opportunities for enhanced collaborative working.***

**66. SELF-BUILD PLOTS AT MANSFIELD CRESCENT, BRIERFIELD**

The Housing, Health and Engineering Services Manager submitted a report on bids received for the purchase of Self-Build plots on Mansfield Crescent, Brierfield.

	<b>Plot 1</b>	<b>Plot 2</b>
Bid 1		£15,200
Bid 2	£17,500	
Bid 3	£20,100 (first choice plot)	£20,100 (second choice plot)
Bid 4		£21,000
Bid 5	£21,000	
Bid 6	£20,000 (second choice plot)	£20,000 (first choice plot)
Bid 7		£12,500
Bid 8	£12,500	

The highest bids were supported by suitable and adequate proof of funds.

Conditions would be attached to the sale of the land so that planning permission was secured and the site was developed in a timely manner.

**RESOLVED**

That the highest bids received for each of the two Self-Build plots at Mansfield Crescent, Brierfield be accepted.

**REASON**

***To achieve a capital receipt, fulfil the aims of the Self-Build scheme and reduce liabilities for the Council.***

**67. UK COMMUNITY RENEWAL FUND PROJECT**

The Planning, Economic Development and Regulatory Services Manager submitted a report requesting approval to establish and deliver a Growth and Innovation Fund in Pendle, Burnley and Rossendale subject to a successful bid outcome.

The Fund had been launched in May 2021 with an allocation of £220m funding for 2021/22. The programme was to support communities to pilot new approaches ahead of the Shared Prosperity Fund being launched. The Fund was administered by the County Council. The County had called for proposals addressing the themes of skills, employment, business and communities. Pendle, along with Burnley and Rossendale Council submitted a proposal to deliver a Business Growth and Innovation Fund worth £994k matched with private sector investment of £596k. The funding would be split evenly across the three Boroughs.

A decision on the bid was expected towards the end of October with schemes needing to be implemented by the end of this financial year. It was noted that spend would be difficult to deliver and the County was making representations for this deadline to be extended.

**RESOLVED**

- (1) That the proposed Growth and Innovation Fund in Pendle, Burnley and Rossendale, as set out in the report, be approved.
- (2) That delegated authority be granted to the Interim Chief Executive and the Planning, Economic Development and Regulatory Services Manager to accept the Grant Funding Agreement, subject to there being no unacceptable financial risks.
- (3) That delegated authority be granted to the Planning, Economic Development and Regulatory Services Manager to negotiate and enter into:
  - (a) A service level agreement with Growth Lancashire to deliver the fund.
  - (b) An agreement with Burnley Borough Council and Rossendale Borough Council to share any liabilities for under-performance or repayment of grant arising from the delivery of the project.
  - (c) To sit on the Grants Panel and approve grants.

**REASONS**

- (1) ***The scheme would form part of the Council's Economic Recovery and Growth Strategy which identifies the needs for a scheme that supports businesses to invest in innovation and growth.***
- (2) ***The bid has not yet been approved but should the funding be approved, then the project timescales are very tight to implement the scheme by the end of March, 2022.***

**68. TENDERS**

The Interim Chief Executive submitted, for information, a report on tenders which had been received and accepted.

**69. EXCLUSION OF PUBLIC AND PRESS**

**RESOLVED**

That in pursuance of the power contained in Section 100(A)(4) of the Local Government Act, 1972 as amended, the public and press be excluded from the meeting during the next items of business when it is likely, in view of the nature of the proceedings or the business to be transacted, that there will be disclosure of exempt information which is likely to reveal the identity of an individual.

**70. THE BOROUGH OF PENDLE (80-82 LEEDS ROAD, NELSON)  
COMPULSORY PURCHASE ORDER 2021**

The Housing, Health and Engineering Services Manager submitted a report regarding the compulsory purchase proceedings on the above property with a view to facilitating the redevelopment of the site.

**RESOLVED**

- (1) That THE BOROUGH OF PENDLE (80-82 LEEDS ROAD, NELSON) COMPULSORY PURCHASE ORDER 2021 be made under Section 226(1)(a) of the Town and Country Planning Act 1990 (as amended) together with the Planning and Compulsory Purchase Act 2004 and the Acquisition of Land Act 1981 (as amended) for the acquisition of all interests in land and premises described in this report and on the site shown edged with a thick black line and coloured pink on the map in Appendix 1 to the report in order to acquire ownership of the premises known as 80-82 Leeds Road, Nelson and upon acquisition, to secure redevelopment of the site.
- (2) That the draft Statement of Reasons, appended to the report be approved and appropriate officers be authorised to make any amendments they consider reasonably necessary before submission of the Order to the Secretary of State.
- (3) That the Head of Legal Services be authorised to take any necessary steps to prepare the documentation required to make The Borough of Pendle (80-82 Leeds Road, Nelson) Compulsory Purchase Order 2021 under Section 226(1)(a) of the Town and Country Planning Act 1990 (as amended by Section 99 of the Planning and Compulsory Purchase Act 2004 and the Acquisition of Land Act 1981 (as amended)).

- (4) That the Head of Legal Services be authorised to take any such steps as may be required to promote, with a view to securing the confirmation and subsequent implementation of the above aforementioned order, such steps to include but not be exclusive to the following:-
- Affix the Common Seal of the Council to the Compulsory Purchase Order and Map;
  - Issue and service all statutory notices;
  - Submission of all necessary documentation to the Secretary of State for the Ministry of Housing Communities and Local Government in seeking to obtain confirmation of the Order;
  - Continue negotiations and approve agreements with land owners setting out the terms for the acquisition of their interests, as if a confirmed Compulsory Purchase Order had been in place;
  - Agree in advance the withdrawal of objections to the Compulsory Purchase Order (where appropriate);
  - Present the Council's case at any public inquiry or through written representations if this was appropriate;
  - Make and affix the Common Seal of the Council to a General Vesting Declaration in respect of any part of the Order Land and to issue and serve any statutory notices relating thereto;
  - Representation of the Council's case on compensation matters connected with this Compulsory Purchase Order to the Upper Tribunal (Lands Chamber).

## **REASON**

***To make a Compulsory Purchase Order to be known as 'THE BOROUGH OF PENDLE (80-82 LEEDS ROAD, NELSON) COMPULSORY PURCHASE ORDER 2021'. This shall enable the acquisition of the premises known as 80-82 Leeds Road, Nelson so as to facilitate the redevelopment of the Order Land.***

## **71. NELSON TOWN DEAL**

The Housing, Health and Engineering Services Manager submitted a report which provided an update on the work carried out by the Town Deal Board to bring projects in line with the funding offer. The Committee were asked to agree the maximum funding allocations for each project.

## **RESOLVED**

- (1) That the views of the Town Deal Board on the allocation of funding between projects be noted.
- (2) That the maximum funding allocations for each projects be agreed as set out in the report as now amended and subject to business case approval.
- (3) That delegated authority be granted to the Interim Chief Executive to sign and submit the project confirmation tables detailing the projects that would be taken forward to full business case.

**REASONS**

- (1) To update Committee on the views of the Town Deal Board.**
- (2) To enable the project confirmation tables to be agreed and submitted in a timely manner.**

Chairman \_\_\_\_\_